

**CITY of BURIEN**  
**Department of Community Development**

**Interpretation # 01-01**

**Subject:** Replacement of significant trees (BMC 19.25.160)

**Interpretation:** It is my interpretation that BMC 19.25.160 shall apply only to significant trees that are required to be retained under BMC 19.25.120, and not to all significant trees that are removed on a site.

**Findings of Fact:**

- *The defined or common meaning of the words of the provision:*

Zoning Code Section 19.25.160 requires that “when the required number of significant trees cannot be retained, significant trees that are removed shall be replaced...”

The Zoning Code does not state whether the replacement trees should be to replace all significant trees that were removed on the site, or just those that exceeded the amount of trees that were required to be retained. For example, a site has 10 significant trees. The proposed (or existing) use requires landscape category “A”. BMC 19.25.120.1 requires that 30% of the significant trees on the site (3 trees) be retained (or, that 70% can be removed). The owner proposes to remove 9 trees. The language “significant trees that are removed shall be replaced” can be read to require replacement for all 9 trees or for the 2 trees that exceeded the 70% removal allowed by the Zoning Code.

- *The general purpose of the provision as expressed in the provision.*

Zoning Code Section 19.25.020.4 provides as one of the purposes of Chapter 19.25: “Retaining existing vegetation and significant trees by incorporating them into the site design.” The chapter also provides “minimum standards for tree retention and landscaping” (emphasis added) and is to “promote retention and protection of existing vegetation.” (BMC 19.25.020)

- *The logical or likely meaning of the provision viewed in relation to the Comprehensive Plan and applicable purpose and intent statements in this Code.*

The logical meaning of the provision is that only those trees that are removed in excess of the percentage allowed by Code must be replaced. The Code sets a minimum tree retention standard (such as 30%). This allows an owner to remove 70% of the trees on the site, without having to replace those trees. It is illogical that once one more tree is removed (so that the retention percentage is not met) the owner must then replace all significant trees that are removed.

**Conclusions:**

BMC 19.25.160 shall apply only to significant trees that are required to be retained under BMC 19.25.120, and not to all significant trees that are removed on a site.

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Community Development Director

January 3, 2001  
Date